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Government of Kerala
2017



Regn. No. KERBIL/2012/45073
dated 5-9-2012 with RNI

Reg. No. KL/TV(N)/634/2015-17

കേരള ഗസറ്റ് KERALA GAZETTE

അധികാരികമായി പ്രസിദ്ധീകരിച്ചതുന്നത്

PUBLISHED BY AUTHORITY

വാല്യം 6
Vol. VI

തിരുവനന്തപുരം,
പൊൻ
Thiruvananthapuram,
Tuesday

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PART IV

Private Advertisements and Miscellaneous Notifications

COCHIN PORT TRUST
NOTIFICATION

No. A1/23/Stevedoring/2017-S. *16th June 2017.*

In exercise of the powers conferred under Sub-Section (f) and (k) of Section 123 of the Major Port Trusts Act, 1963 (No. 38 of 1963), the Board of Trustees of Port of Cochin hereby makes the following Regulations in supersession of the Cochin Port (Issue of Stevedoring Licences) Regulations 1987, subject to approval of the Central Government and the same is being published twice in the official Gazette for the information of the public, as required under Sub-Section (2) of Section 124 of the said Act.

The Cochin Port (Issue of Stevedoring and Shore Handling Licences) Regulations, 2017

1. *Title:*—These Regulations may be called the Cochin Port (Issue of Stevedoring and Shore Handling Licences) Regulations, 2017.

2. *Commencement:*—They shall come into force on the date of their final publication in the Gazette of India.

3. *Scope:*—These Regulations shall cover the following activities:—

(i) Stevedoring activities undertaken by the licensed Stevedore in a Major Port.

(ii) Shore handling activities undertaken by the licensed Shore Handling Agents or by agents under any other name.

(iii) No Agency shall undertake to perform these activities in a Major Port unless and until they are issued a valid licence by the Port for the purpose.

(iv) These Regulations do not apply to port operated Stevedoring and Shore Handling provided the operations are entirely carried out by the port.

(v) These Regulations do not apply to PPP and BOT berth operations.

4. *Definitions:*—In these Regulations unless the context otherwise requires—

(i) 'Act' means the Major Port Trusts Act, 1963.

(ii) 'Board' means the Board of Trustees of the Port of Cochin as constituted under the Act.

(iii) 'Chairman' means the Chairman of the Board.

(iv) 'Form' means form annexed to these regulations.

- (v) 'Stevedoring and Shore Handling Agent' means a Company registered under the Companies Act, 2013 or any previous Company Law, or a partnership firm or any other legal entity to whom a Stevedoring and Shore Handling Licence has been given under Regulation 5.
- (vi) Stevedoring includes loading and unloading and stowage of cargo in any form on board the vessels in Ports.
- (vii) Shore Handling includes arranging and receiving the cargo to/from the hook point, inter modal transport from wharf to stack-yard and vice-versa and also receiving and delivering of cargo from/to wagons/trucks.
- (viii) 'Traffic Manager' means the Officer for the time being in-charge of the Traffic Department of the Cochin Port Trust including the Deputies and Assistants to the Traffic Manager and any other Officer acting under the authority of the Traffic Manager.
- (ix) TAMP means Tariff Authority for Major Ports.
- (x) PPP means Public Private Partnership.
- (xi) BOT means Build, Operate and Transfer.

5. Stevedoring and Shore Handling Charges:

(i) The Stevedoring and Shore Handling charges shall be notified by the TAMP or any other competent authority as the normative tariff, separately for mechanized and manual operations for the Major Ports, which shall be the Ceiling Tariff, and will be displayed in the port website. The performance norms will be as per the Performance Norms Policy Guidelines of the Government of India.

(ii) The Deputy Traffic Manager or any other officer nominated by Traffic Manager will be the Nodal Officer for monitoring the Stevedoring and Shore Handling tariffs. The Nodal Officer will be handling all complaints on violation of Stevedoring and Shore Handling ceiling tariff.

(iii) The Port Trust will charge royalty on a per metric tonne basis for the cargo handled as licence fee for the Stevedoring and Shore Handling licences.

6. Issue of License for Stevedoring & Shore Handling Agents:

The Stevedoring and Shore Handling licences shall be issued to the applicant who fulfils the following criteria:

- (i) The applicant shall be a Company registered under the Companies Act, 2013 or any previous Company Law, or a partnership firm or any other legal entity.

- (ii) The application for grant or renewal of a Stevedoring License shall be made in Form 'A', at Appendix-I, to the Traffic Manager, either directly or online.
- (iii) Every license granted or renewed under these regulations shall be in Form 'B', at Appendix-II.
- (iv) The applicant shall produce a Bank Guarantee for ` 5 lakh valid for the period of the license so as to meet any contingency, which shall be returned after adjusting the claims, if any, when the licensee ceases to operate.
- (v) The applicant shall undertake to provide equipment/gear, either owned or hired, required for both the operations.
- (vi) The applicant shall undertake to employ/engage at least 6 supervisory personnel with minimum two years of cargo handling/stowage experience for undertaking both the functions. Their profiles have to be enclosed along with the application.
- (vii) The Application fee for issue of Stevedoring and Shore Handling license shall be ` 50,000 which can be revised from time to time by the Board.

7. *Validity/Renewal of licence*

- (i) The license will be valid for a period of three years from the date of issuance of licence.
- (ii) The license shall be renewed considering the performance reports mentioned below:
 - (a) The daily performance report capturing productivity achieved by the Licensee in the prescribed format shall be submitted by the Licensee to the Traffic Department.
 - (b) The Traffic Manager shall monitor the compliance of terms and conditions of the licence and the safety norms followed by the Licensee.
- (iii) Application for renewal of Stevedoring & Shore Handling license shall be made at least three months before the expiry of the license. If the application for renewal is not received within the stipulated period of three months, such applications may be accepted by the Traffic Manager on payment of late fee of ` 10,000 by the Licensee provided the application for renewal together with the late fee is received by the Traffic Manager before the actual date of expiry of the license.
- (iv) If the Licensee fulfils the required conditions and is eligible for renewal but awaiting safety clearance before expiry of the license period. Port may permit the Stevedoring and Shore Handling operation by executing an Indemnity bond.

- (v) Before renewal of the license a report regarding the safety performance and compliance of Dock safety status shall be obtained from the authorised officer declared under the Dock Workers (Safety, Health and Welfare) Act, 1986 which shall be taken into consideration while granting the renewal of License.
- (vi) In the event of loss or defacing of the original license, a duplicate license may be issued on an application made to the Traffic Manager and on payment of ` 1,000.

8. *Duties & Responsibilities*

- (i) The Licensee shall comply with all applicable safety norms and the applicable statutes regarding labour in relation to such operations including but not limited to provisions of the Dock Workers (Safety, Health and Welfare) Act, 1986; the Dock Workers (Safety, Health and Welfare) Regulations, 1990, the Industrial Disputes Act, 1947, the Payment of Bonus Act, 1965, Employee's Compensation Act, 1923 or any other laws in force.
- (ii) The Licensee shall indemnify the Board against all third party claims arising out of such operations.
- (iii) Whenever casual workers are deployed, the Licensee should ensure that such workers are covered by the insurance policy.
- (iv) If any gear, plant or any other property of the Board is damaged or any accident caused in the course of Stevedoring and Shore Handling operation, the Licensee shall be solely responsible for the same and shall compensate the Board for such loss or damage.
- (v) The Licensee shall ensure that all the gears and equipment shall conform to the requirements as per the Dock Workers (Safety, Health and Welfare) Regulation, 1990 and shall possess valid test certificates as stipulated in the said Regulations.
- (vi) The Licensee shall provide necessary protective appliances appropriate for the type of cargo to the workers deployed.
- (vii) The Licensee shall inform any change in the constitution of the firm. Any change in the constitution of the Licensee will render the existing License to be cancelled and will require a new license; Mere change in name of the Licensee will require a duplicate license be issued on payment of ` 1,000.
- (viii) The Licensee shall train the personnel deployed in Stevedoring & Shore Handling activities, in modern methods of cargo handling for improving the productivity, efficiency and safety.

9. Cancellation/Suspension of license

A. The port may, at any time, suspend or cancel the license issued to a Licensee for violation of any of the terms of license or for any reasons listed below:

- (i) The firm performs below 70% of the norms as per the Performance Norms Policy for an average period of one year.
- (ii) The firm is found to be charging higher than the ceiling tariff defined for Stevedore & Shore Handling activities in the Port.
- (iii) The CEO/Head of the Stevedoring and Shore Handling firm has been convicted by the Court for any offence involving moral turpitude and sentenced in respect, thereof, to imprisonment for not less than six months, and a period of five years has not elapsed from the date of expiry of the sentence.
- (iv) Violation of Safety Regulations and mandatory Dock Safety measures.
- (v) Adopting improper and unsafe handling methods.
- (vi) Misrepresentation or misstatement of material facts.
- (vii) Licensee adjudged insolvent or going into liquidations.
- (viii) Transfer of the stevedoring and shore handling operations or sublet of the license to any other individual or parties.
- (ix) Violation of security related rules & instructions like ISPS code compliance.
- (x) Indulging in illegal/corrupt practices.
- (xi) Any misconduct/default which in the opinion of the Board warrant such cancellation or suspension.

Provided that no such license shall be cancelled or suspended as the case may be until the holder of the license has been given a reasonable opportunity for showing cause why his license should not be cancelled or suspended as the case may be.

10. Appeal

Any person aggrieved by any order relating to cancellation/suspension/refusal to issue licenses, may prefer an appeal in writing to the Chairman within 30 days of the communication of the order appealed against.

11. Deployment of workers from Port/DLBs/License Holder or outside

The existing practice of deploying port labour for stevedoring operations by the Licensee may continue. In case the port is unable to supply the requisite workers against the requisition placed by the Licensee, the Licensee may make their own arrangement for this purpose. The Licensee will not be charged any notional payments for the supply of labour.

12. Performance norms

Productivity norms for dry bulk cargo shall be as per the Performance Norms Policy of the Govt. of India and for break bulk cargo as per the TAMP order for determination of the ceiling tariff. Daily Performance Report shall be submitted by the Licensee to the Traffic Department. Performance of the agent in terms of productivity achieved will be reviewed by the Port.

13. Repeal

The Cochin Port (Issue of Stevedoring License) Regulations, 1987 shall stand repealed.

(Sd.)
Secretary.

Appendix—I

FORM 'A'

COCHIN PORT TRUST TRAFFIC DEPARTMENT

To

The Traffic Manager,
Cochin Port Trust

APPLICATION FORM FOR THE GRANT/RENEWAL OF STEVEDORING AND SHORE HANDLING LICENSE

1. Name of the applicant :
2. Whether Company, partnership firm or proprietary firm (Documentary proof to be attached) :
3. Full Address :
4. Year/s for which license is required :
5. Previous experience in the field (The cargo and tonnage stevedored in the previous 3 years to be furnished) :
6. Proof of financial ability to meet the obligations on account of wages, compensation under Employee's Compensation Act, 1923 etc. (a Certificate from the Bankers as to the financial ability and Income Tax Clearance Certificate to be produced) :
7. Whether the applicant complies with Clause V of Regulation 6 of the Cochin Port (Issue of Stevedoring and Shore Handling Licenses) Regulations, 2017. Details to be furnished.

8. Whether the applicant complies with Clause VI of Regulation 6 of the Cochin Port (Issue of Stevedoring and Shore Handling Licenses) Regulations, 2017. Details to be furnished

9. Whether the applicant has cleared all dues, if any, on account of transactions he had with the Port Trust

10. Whether the application fee for license and the Security deposit has been made?

(The receipt of the payment is to be attached)

I affirm that the particulars given are true to the best of my knowledge and belief.

I agree to furnish any other information / produce any record for inspection as may be required to consider the request for grant of license.

I agree to abide by the Cochin Port (Issue of Stevedoring and Shore Handling Licenses) Regulations, 2017, and to comply with the directions made by the Cochin Port Trust from time to time, if the license is issued/renewed.

Signature of the Applicant.

Place:

Date:

Note:—In case of renewal of License, the application shall be annexed with duly filled in prescribed forms, as per Regulations 94 of the Dock Safety Workers (Safety, Health & Welfare) Regulations, 1990.

Appendix—II

FORM—‘B’

License for undertaking Stevedoring and Shore Handling operation at the Port.

1. Name of the Licensee :

2. Address :

3. Period for which licence is : granted

4. Any other particulars required to be mentioned.....

5.

6.

(Seal) Licensing Authority.....

Designation.....

Place.....

CONDITIONS

This licence is granted subject to the provisions of the Major Port Trusts Act, 1963 and the Cochin Port (Issue of Stevedoring and Shore Handling Licenses) Regulations, 2017.

Kerala State Goods and Services Tax Department

NOTIFICATION NO. 3/2017—STATE TAX

No. C1-24614/2016.

Thiruvananthapuram, 31st August 2017.

In exercise of the powers conferred by sub-rule (5) of Rule 61 of the Kerala Goods and Services Tax Rules, 2017, read with Section 168 of the Kerala State Goods and Services Tax Ordinance, 2017 (11 of 2017), the Commissioner, on the recommendations of the Council, hereby notifies that the return for the month as specified in column (2) of the Table below shall be furnished in FORM GSTR-3B electronically through the common portal before the dates as specified in the corresponding entry in column (3) of the said Table, namely:—

TABLE

Sl. No.	Month	Date of filing of GSTR-3B
(1)	(2)	(3)
1	August, 2017	20th September, 2017

(Sd.)

Commissioner.